

RECEIPT # 404408
 AMOUNT \$
 SUMMONS ISSUED
 LOCAL RULE 4.1
 WAIVER FORM
 MCF ISSUED
 BY DPTY. CLK.
 DATE 9-12-04

Plaintiff, pro se

FILING FEES PAID
 RECEIPT # 404408
 AMOUNT \$ 5.00
 BY CLERK KB
 DATE 9-23-04
 U.S. DISTRICT COURT OFFICE

2004 SEP 23 AM 10:36

UNITED STATES DISTRICT COURT

04-40191

DOMINGO PEÑA

Civil Case No. _____

Plaintiff,

AFFIDAVIT OF POVERTY

vs.

UNITED STATES OF AMERICA

Defendant(s)

COMES NOW, DOMINGO PEÑA, the Plaintiff in the above entitled cause, and states under his oath and under the pains and penalties of perjury the following:

1. The Plaintiff is a federal prisoner, incarcerated at the FEDERAL MEDICAL CENTER DEVENS
P.O. BOX 879 AYER, MA 01432
2. Plaintiff is unable to pay the costs for the above-entitled cause of action, or give security thereof.
3. Plaintiff seeks redress of his grievances against Bureau of Prisons employees for violation of his Constitutional Rights. This Court has jurisdiction of this matter by virtue of 28 USC 1331 and Bivens v. Six Unknown Agents of Federal Bureau of Narcotics, 403 U. S. 388 (1971). Venue is vested by virtue of the provisions of 28 USC 1331 (b).
4. Plaintiff is filing his Motion to Proceed In Forma Pauperis, and in connection therewith he attaches this Affidavit of Poverty so that the Court will waive his costs because he has no funds and is unable to pay.

Dated: 9-12-04


 DOMINGO PEÑA Plaintiff, pro se